

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RONALD L. BOONIE,

Plaintiff,

- against -

17 Civ. 5134 (NRB)

ANASTASIOS P. BELESIS, ATB HOLDING,  
LLC, 2008 ANASTASIOS BELESIS IRR  
TRUST UA DATED SEPT. 2008, TOMTAB  
LLC, and TABITHA BELESIS,

**MEMORANDUM AND ORDER**

Defendants.

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**NAOMI REICE BUCHWALD**  
**UNITED STATES DISTRICT JUDGE**


Ronald Boonie brought the instant action against Anastasios Belesis (along with various individuals and entities associated with him), alleging breach of contract for Belesis's purported failure to perform under the terms of the parties' settlement agreement and seeking to set aside certain fraudulent conveyances allegedly executed by Belesis in order to render himself insolvent. Boonie now moves, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for summary judgment on his breach of contract claim. Belesis, by letter filed with the Court via counsel on October 16, 2018, has expressly declined to dispute the factual and legal assertions underlying this claim. Def.'s Ltr., ECF No. 40. Accordingly, the Court deems any defense to liability "abandoned." Jackson v. Fed. Exp., 766 F.3d 189, 198 (2d Cir. 2014).

Nevertheless, the Court has undertaken the independent review of the record required by Second Circuit law even "when a motion for summary judgment is unopposed." Vermont Teddy Bear Co. v. 1-800 Beargram Co., 373 F.3d 241, 242 (2d Cir. 2004). That review has confirmed that all facts material to Boonie's claim are undisputed, that those facts are grounded in uncontroverted, admissible evidence cited by Boonie, and that those facts entitle Boonie to judgment as a matter of law.

Boonie's motion for summary judgment on his breach of contract claim is therefore granted. Having determined that "there is no just reason for delay," the Court hereby directs the Clerk of Court to enter final judgment in favor of Boonie in the principal amount of \$142,500 in damages, plus pre-judgment interest of \$24,244, attorneys' fees of \$23,500, and costs of \$1,452.<sup>1</sup> Fed. R. Civ. P. 54(b). The Clerk of the Court is further directed to terminate the motion pending at docket entry 41.

**SO ORDERED**

Dated: New York, New York  
October 16, 2018

  
NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The Court has independently reviewed, and adopted as its own, the calculation of damages, interest, fees, and costs set forth in Boonie's Memorandum of Law and supporting documentation. Pl.'s Mem. of Law, ECF No. 41; Aff. of Nicholas J. Guiliano, ECF No. 37.